

Brand * * * (picture of olive branches) "Extra Fine Corn Oil Blended With Highest Grade Pure Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quarter Gallon") "* * * Packed By B B O C New York."

Analyses of samples of the Cob brand oil by the Bureau of Chemistry of this department showed that it consisted of corn oil mixed with a small quantity of cottonseed oil. Examination of both brands of the article by said bureau showed that the cans contained less than the quantities declared on the labels thereof.

Adulteration was alleged in the information with respect to the Cob brand oil for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the said Cob brand oil for the reason that the statements in prominent type, to wit "Olio Sopraffino * * * Pure Olive Oil," together with the design and device of olive branches, borne on the cans containing the said article, were false and misleading in that they represented that the article was olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, whereas it was not olive oil but was a mixture composed in whole or in part of oil or oils other than olive oil. Misbranding was alleged for the further reason that the statement, to wit, "Blended With Highest Grade * * * Olive Oil," borne on the cans containing the said Cob brand oil, was false and misleading in that it represented that the article was blended with the highest grade olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was blended with highest grade olive oil, whereas it was not blended with highest grade olive oil in that it was a product which contained no olive oil. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of oil or oils other than olive oil and contained no flavor of olive oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to both brands of the article for the reason that the statements, "One Gallon," "Net Contents One Gallon," "Net Contents Half Gallon," "Net Contents One Quarter Gallon," and "Quarter Gallon," borne on the respective-sized cans containing the said article, and the further statement, to wit, "3 $\frac{1}{4}$ Lbs. Net Or 0.98 Of Half Gallon," borne on certain of the alleged half-gallon cans, and the further statement, to wit, "7 $\frac{1}{2}$ Lbs. Net Or 0.98 Of One Gallon," borne on certain of the alleged gallon cans, were false and misleading in that the said statements represented that the cans contained one gallon, one-half gallon, or one-quarter gallon of the article, as the case might be, and that certain of the alleged half-gallon cans contained 3 $\frac{1}{4}$ pounds, or 0.98 of a half gallon, and that certain of the alleged gallon cans contained 7 $\frac{1}{2}$ pounds, or 0.98 of one gallon, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained the amounts declared on the respective labels, whereas, in truth and in fact, they did not but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 22, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. F. MARVIN. *Acting Secretary of Agriculture.*

11970. Adulteration and misbranding of canned oysters. U. S. v. 30 Cases of Oysters. Consent decree providing for release of product under bond. (F. & D. No. 17743. I. S. No. 6916-v. S. No. C-4099.)

On September 12, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of oysters, remaining in the original unbroken packages at Sulphur Springs, Tex., alleging that the article had been shipped by the Sea Food Co., from Biloxi, Miss., April 7, 1923, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Winner Brand * * * Oysters * * * Net Contents 4 Ounces."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed or packed therewith so as to reduce or alter its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the packages containing the article, "Net Contents 4 Ounces," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1923, the Sea Food Co., a corporation of the State of Mississippi, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be adulterated and misbranded and ordering that it might be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11971. Adulteration of canned salmon. U. S. v. 509 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17377. I. S. Nos. 6032-v, 6804-v. S. No. C-3948.)

On March 15, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 509 cases of salmon, at New Orleans, La., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Seattle, Wash., on or about October 11, 1922, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Steamboat Brand * * * Pink Alaska Salmon Packed By Hidden Inlet Canning Co. * * * Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11972. Adulteration and misbranding of cherries. U. S. v. 50 Cases, Each Containing 6 No. 10 Cans of Cherries. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16756. I. S. No. 3881-v. S. No. C-3779.)

On August 18, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 13, 1922, an amended libel, praying the seizure and condemnation of 50 cases, each containing 6 No. 10 cans of cherries, remaining in the original unbroken packages at South Bend, Ind., alleging that the article had been shipped by Mikesell & Co., Traverse City, Mich., on or about July 13, 1922, and transported from the State of Michigan into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Grand Traverse Brand * * * Red Pitted Sour Cherries In Juice Contents Number 2 Can 1 Lb. 3 Oz. Number 10 Can 6 Lbs. 9 Oz. * * * Mikesell & Company Traverse City, Michigan."

Adulteration of the article was alleged in the libel as amended for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the reason that the above-quoted statements appearing on the labels of the said cans were false and misleading and deceived and misled purchasers in that the said cherries were not packed in their own juice but were packed in water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cherries in juice, and for the further reason that it was food in package form and the quality [quantity] of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1923, the claimant, L. F. Mikesell & Co., having authorized the confiscation of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*